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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,225	08/26/2003	Minoru Koyama	116742	1905

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EXAMINER	
BASHORE, ALAIN L	
ART UNIT	**PAPER NUMBER**
1762	
MAIL DATE	**DELIVERY MODE**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/647,225	KOYAMA, MINORU	
	Examiner	Art Unit	
	Alain L. Bashore	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. 6. Claim 1-2, 5, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (JP-2001-180007) in view of Kawase et al.

Suzuki appears to disclose a film forming method comprising preliminarily discharging liquid droplets from head, relatively moving the heads and a work to discharge the liquid droplets onto a surface of a wok from the heads, and the preliminary discharge of the liquid droplets being carried out while the heads and/or work are moved, further being carried out during acceleration of the heads and/or work up to a predetermined speed (see abstract).

Suzuki does not disclose the work moving relative to the heads or the method of manufacturing a device that includes filter elements or pixel elements as including EL layers.

Kawase discloses a method of manufacturing a device, in which a film body being formed by discharging droplets onto the surface of a work from heads. The work can be moved relative the heads. Filter elements on a substrate is the work, further being EL light-emitting layers arranged, and a film body being a counter electrode film formed at a pre-determined place on the EL light-emitting layers (see fig. 8; col 2, lines 38-67).

It would have been obvious to one with ordinary skill in the art to include the work moving relative to the heads because Kawase teaches scanning as a technique to apply liquid droplets.

It would have been obvious to one with ordinary skill in the art to include the method of manufacturing a device that includes filter elements or pixel elements as including EL layers because Suzuki teaches advantages of reduction in throughput loss as desirable (see abstract) and Kawase teaches ink jet methodology for color filter manufacture.

3 Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (JP-2001-180007) in view of Kawase et al as applied to claims above, and further in view of Hiroshi et al (JP-2002-067346).

Suzuki discloses what could be described broadly as a liquid droplet reception area, but Suzuki does not disclose the preliminary discharge of the liquid droplets being carried out in a liquid droplet reception area, a part of which is formed by the work.

Hiroshi et al discloses a liquid reception area, a part of which is formed by the work (described as "annulment regions; 70a-70c; see abstract).

It would have been obvious to one with ordinary skill in the art to include a liquid reception area, a part of which is formed by the work because Hiroshi teaches certain forming of multiple images requiring preliminary discharge of liquid droplets.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (JP-2001-180007) in view of Kawase et al as applied to claims above, and further in view of Fujii et al.

Suzuki Suzuki does not disclose further comprising a vibrating step of, after liquid droplet discharge step, vibrating liquid within the heads to a extent that the liquid is not discharged from the heads.

Fujii te al discloses a vibrating step of, after liquid droplet discharge step, vibrating liquid within the heads to a extent that the liquid is not discharged from the heads (see abstract).

It would have been obvious to one with ordinary skill in the art to include a vibrating step of, after liquid droplet discharge step, vibrating liquid within the heads to a extent that the liquid is not discharged from the heads because Fujii et al teaches prevention of clogging as desired (see abstract).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawase et al in view of Suzuki (JP-2001-180007) as applied to claim 5 above, and further in view of Sekiguchi.

Kawase et al and Suzuki (JP-2001-180007) do not disclose the work being a lens, and the film body being a transmissive coating for coating the lens.

Sekiguchi discloses the work being a lens, and the film body being a transmissive coating for coating the lens (col 20, lines 6-13).

It would have been obvious to one with ordinary skill in the art to include such because Sekiguchi teaches advantages of using a lens (col 20, lines 6-13).

Double Patenting

6. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

7. Claims 4-8 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-4 of copending Application No. 11/588,240. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Response to Arguments

8. Applicant's arguments filed 2-20-07 have been fully considered but they are not persuasive. The reference to Kawase et al appears to show work that is moved relative to the heads. The request to delay a response to the preliminary double patenting rejection of record is noted.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alain L. Bashore/
Primary Examiner
Art Unit 1762